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10/053,521	01/18/2002	Jeffrey L. Kodosky	5150-42901	1580
35690 7590 02/22/2010 MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. P.O. BOX 398 AUSTIN, TX 78767-0398				
EXAMINER PIERRE LOUIS, ANDRE				
ART UNIT 2123		PAPER NUMBER		
NOTIFICATION DATE 02/22/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/053,521

Applicant(s)

KODOSKY ET AL.

Examiner

ANDRE PIERRE LOUIS

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7 and 9-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-7 and 9-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI.08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The amendment filed on 10/22/2009 has been received and fully considered.
2. Claims 1 and 8 remain cancelled; and claims 2-7, 9-22 are presented for examination.
3. Regarding the rejection under 35 USC 112 2nd paragraph, the Examiner withdraws the rejection in view of the amendment.
4. As per the rejection under 35 USC 101, the Examiner withdraws the rejection in view of the amendment.

Response to Arguments

5. Applicant's arguments filed 10/22/2009 have been fully considered but they not persuasive.

5.1 Applicant argues with regards to independent claim 2 that the combination of the cited reference do not teach selectively routing request for input to either a simulation program or the input device...., the Examiner respectfully disagrees and assert that Blake does show the routing of request for input at least to a simulation program, regardless of the state of simulation, as fig.23 shows the Real-time Logger 2302 intercept a service from the application program 2301 and route the request to a simulation program 2304 (*also see col.49 lines 49 lines 56-64*). While Blake does not specifically state that the routing is done selectively, the Examiner respectfully notes that one of skilled in the art would clearly appreciate the approach taken by Blake in routing the request to the simulation program or the input device. Nevertheless, Elliott et al., used in the rejection for the selectively routing of request, substantially teaches a system and method that includes selectively routing of incoming requests to an input device (5130) using a communication link (*see fig.52, para 3478, also 3902, just to name a few*).

5.2 While the applicant believes that the independent claims, along with the dependent claims should be found allowable, the Examiner respectfully disagrees and asserts that the combined references cited teach the entire claimed invention. Applicant is further encouraged to look at the new references cited but not used shown in the conclusion section of this and the previous Office Action. However, the grounds of rejections below fully support the Examiner's position in rejecting the instant claims.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6.0 Claims 2-7, 9-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blake et al. (U.S. Patent No. 5,574,854), in view of Bilger (U.S. Patent No. 6,912,429), further in view of Elliott (USPG_PUB No. 2002/0064149).

6.1 In considering the independent claim 2, 17-18, Blake et al. substantially teaches a system for performing a simulation, the system comprising: one or more processors (*see fig.1, col.1 line 46-col.2 line 12*); memory storing program instructions (*see fig.1, col.2 lines 13-36*);

and an input device (*see fig.1-3, 23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*); wherein the program instructions **are executable** by the one or more processors to: receive a request for input from a measurement/control program (*see fig.1-3, 23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*); route the request for input to either a simulation program or the input device, depending on whether the simulation mode is turned on or off, wherein selectively routing the request for input comprises: routing the request for input to the simulation program if the simulation mode is turned on (*see fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*); and routing the request for input to the input device if the simulation mode is turned off (*see fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*). However, Blake et al. does not expressly teach determine whether the simulation mode is turned on or off and turning the simulation mode on or off in response to user input. Bilger substantially teaches determine whether simulation mode is turned on or off (*col.22 lines 17-45*) and turning a simulation either on or off in a full or partial simulation mode (*see col.22 lines 17-30*). Bilger further teaches an input/output device (*fig.1 (8)*) and further teaches connectivity between device, and remotely access resources via the Internet (*col.26 line 66-col.27 line 30*). While Blake shows the routing of request for input to the simulation program 2303 of 23 regardless of the state of the simulation; he, however, in combination with Bilger fail to specifically teach or fairly suggest that the routing is done selectively, as shown in the independent claims. Elliott et al. substantially teaches selectively routing of incoming requests to an external application using a communication link (*see fig.52, para 3478, 3902*). Blake, Bilger, and Elliott are analogous art because they are from the same field of endeavor and that the system analyzes by Elliott and Bilger are substantially similar to

that of Blake et al. Therefore, it would have been obvious to one ordinary skilled in the art at the time of the applicant's invention to combine the system and method of Elliott and Bilger with the simulation method and system of Blake et al. for the purpose of turning on/off and controlling the mode of simulation, and processing the request routing selectively because Bilger teaches the advantage of using the attributes default set up in Cross to minimize time required to program Cross (*col.26 lines 24-40*).

6.2 With regards to claim 3, the combine teachings of Blake et al., Bilger, and Elliott substantially teach that the measurement/control program performs the request for input identically, regardless of whether the simulation mode is turned on or off (*see Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*); also Bilger *col.22 lines 17-45*).

6.3 As per claims 4, 19-20, the combine teachings of Blake et al., Bilger, and Elliott substantially teach the output device (*see Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*); also Bilger *fig.1 (8)*; wherein the program instructions are further **executable** by the one or more processors to: receive a request for output from the measurement/control program (*see Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*); and selectively route the request for output to either the simulation program or the output device, depending on whether the simulation mode is turned on or off, wherein selectively routing the request for output comprises: routing the request for output to the simulation program if the simulation mode is turned on (*see Elliott fig.52, para 3478; Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line*

41); routing the request for output to the output device if the simulation mode is turned off (*see Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*).

6.4 Regarding claims 5, 21-22, the combine teachings of Blake et al., Bilger, and Elliott substantially teach that wherein after determining that the simulation mode is turned on and routing the request for input to the simulation program, the program instructions are further **executable** to: receive results for the input request from the simulation program (*see Blake et al. fig.1, 3, 20-23, also col.1 line 17-col.3 line 36, col.49 line 56-col.50 line 41; and Bilger col.22 lines 17-45*); and pass the results received from the simulation program to the measurement/control program (*see Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*).

6.5 With regards to claim 6, the combine teachings of Blake et al., Bilger, and Elliott substantially teach that the request for input comprises a request for input through a first I/O channel (*see Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36, col.49 line 56-col.50 line 41*); wherein the program instructions are further **executable** by the one or more processors to determine that the first I/O channel is mapped to a first software routine of the simulation program (*see Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*); wherein said routing the request for input to the simulation program comprises routing the request for input to the first software routine of the simulation program (*see Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*).

6.6 As per claim 7, the combine teachings of Blake et al., Bilger, and Elliott substantially teach wherein the program instructions are further executable by the one or more processors to map the first I/O channel to the first software routine of the simulation program in

response to user input requesting the first I/O channel to be mapped to the first software routine of the simulation program (*see Blake et al. fig. 1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*).

6.7 As per claim 9, the combine teachings of Blake et al., Bilger, Elliott substantially teach that wherein turning the simulation mode either on and off comprises turning the simulation mode either on or off without requiring the measurement/control program to be modified, wherein the measurement /control program operates correctly, regardless of whether the simulation mode is on or off (*see Bilger col.22 lines 17-45, Blake et al. fig. 1-3, 8, 20-23, also col.1 line 17-col.3 line 36, col.49 line 56-col.50 line 41*).

6.8 With regards to claim 10, the combine teachings of Blake et al., Bilger, Elliott substantially teach that wherein the measurement/control program is stored in the memory and executed by the one or more processors (*see Blake et al. fig. 1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*).

6.9 Regarding claim 11, the combine teachings of Blake et al., Bilger, and Elliott substantially teach that the simulation program is also stored in the memory and executed by the one or more processors (*see Blake et al. fig. 1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41*).

6.10 As per claim 12, the combine teachings of Blake et al., Bilger, and Elliott substantially teach that wherein the one or more processors are one or more processors of a first computer system included in the system (*see Blade fig., Elliott fig.52*); wherein the system further includes a second computer system coupled to the first computer system (*see Blake et al. fig. 1-3, 20-23, also col.1 line 17-col.3 line 36, col.49 line 56-col.50 line 41*); also Bilger fig. 1

and Elliott fig. 52); wherein the simulation program executes on the second computer system (see Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41); also Bilger fig.1 and Elliott fig.52).

6.11 With regards to claim 13, the combine teachings of Blake et al., Bilger, and Elliott substantially teach that the simulation program executes to simulate a physical system (see Blake et al. fig.1-3, 20-23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41); also Bilger fig.1).

6.12 Regarding claim 14, the combine teachings of Blake et al., Bilger, and Elliott substantially teach that the simulation program executes to simulate operation of a device (see Blake et al. fig.1-3, 10A-10B, 23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41); also Bilger fig.1, 7-10).

6.13 As per claim 15, the combine teachings of Blake et al., Bilger, and Elliott substantially teach that the measurement/control program comprises a graphical program, wherein the graphical program comprises a plurality of interconnected nodes that visually indicate functionality of the graphical program (see Blake et al. fig.1-3, 10A-10B, 23, also col.1 line 17-col.3 line 36, also col.49 line 56-col.50 line 41); also Bilger col.26 line 24-col.27 line 30 and col.22 lines 17-45).

6.14 With regards to claim 16, the combine teachings of Blake et al., Bilger, and Elliott substantially teach that the simulation program comprises a graphical program, wherein the graphical program comprises a plurality of interconnected nodes that visually indicate functionality of the graphical program (see Blake et al. fig.1-3, 10A-10B, 23, also col.1 line 17-

col.3 line 36, also col.49 line 56-col.50 line 41); also Bilger col.26 line 24-col.27 line 30 and col.22 lines 17-45).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7.1 Roberts et al. (USPG_PUB No. 2004/0002843) teaches a method and system for interacting with simulated phenomena.

8. Claims 2-7, 9-22 are rejected and Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Pierre-Louis whose telephone number is 571-272-8636. The examiner can normally be reached on Mon-Fri, 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul L. Rodriguez can be reached on 571-272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/A. P. L/
Examiner, Art Unit 2123
February 12, 2010

/Paul L Rodriguez/
Supervisory Patent Examiner, Art Unit 2123